

ADRMOP,CONSENT

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:18-cv-03472-EDL**

Sierra Club v. United States Environmental Protection Agency
Assigned to: Magistrate Judge Elizabeth D. Laporte
Cause: 05:552 Freedom of Information Act

Date Filed: 06/11/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Sierra Club**

represented by **Andrea S. Issod**
Sierra Club Environmental Law Program
2101 Webster Street
Suite 1300
Oakland, CA 94612
415-977-5544
Email: andrea.issod@sierraclub.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elena Kathryn Saxonhouse
Sierra Club Environmental Law Program
2101 Webster Street
Suite 1300
Oakland, CA 94612
415-977-5765
Fax: 510-208-3140
Email: elena.saxonhouse@sierraclub.org
ATTORNEY TO BE NOTICED

Marta R. Darby
Sierra Club
2101 Webster St.
Ste. 1300
Oakland, CA 94612
415-977-5779
Email: marta.darby@sierraclub.org
TERMINATED: 02/21/2019
ATTORNEY TO BE NOTICED

V.

Defendant**United States Environmental
Protection Agency**

represented by **Adrienne Zack**
United States Attorney's Office
Northern District of California
450 Golden Gate Avenue
P.O. Box 36055
San Francisco, CA 94102-3495
415-436-7031
Fax: 415-436-6748
Email: adrienne.zack@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Wendy M. Garbers
United States Attorney's Office
Northern District of California
450 Golden Gate Ave., 9th Floor
San Francisco, CA 94102

(415) 436-6475
 Email: wendy.garbers@usdoj.gov
 TERMINATED: 08/28/2018
 LEAD ATTORNEY

Date Filed	#	Docket Text
06/11/2018	<u>1</u>	COMPLAINT (Freedom of Information Act Case); against United States Environmental Protection Agency (Filing fee \$ 400, receipt number 0971-12426502.). Filed by Sierra Club. (Attachments: # <u>1</u> Civil Cover Sheet)(Issod, Andrea) (Filed on 6/11/2018) Modified on 6/12/2018 (aaaS, COURT STAFF). (Entered: 06/11/2018)
06/11/2018	<u>2</u>	Proposed Summons. (Issod, Andrea) (Filed on 6/11/2018) (Entered: 06/11/2018)
06/11/2018	<u>3</u>	Certificate of Interested Entities by Sierra Club (Issod, Andrea) (Filed on 6/11/2018) (Entered: 06/11/2018)
06/12/2018	<u>4</u>	<p>Case assigned to Magistrate Judge Elizabeth D. Laporte.</p> <p>Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening.</p> <p>Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges. Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 6/26/2018. (jmlS, COURT STAFF) (Filed on 6/12/2018) (Entered: 06/12/2018)</p>
06/12/2018	<u>5</u>	Initial Case Management Scheduling Order with ADR Deadlines: Signed by Magistrate Judge Elizabeth D. Laporte on 6/12/18. (aaaS, COURT STAFF) (Filed on 6/12/2018) (Entered: 06/12/2018)
06/12/2018	<u>6</u>	Summons Issued as to United States Environmental Protection Agency. (aaaS, COURT STAFF) (Filed on 6/12/2018) (Entered: 06/12/2018)
06/12/2018		Set Deadlines/Hearings: Case Management Statement due by 9/4/2018. <u>5</u> Initial Case Management Conference set for 9/11/2018 10:00 AM. (aaa, COURT STAFF) (Filed on 6/12/2018) (Entered: 06/12/2018)
06/14/2018	<u>7</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Sierra Club.. (Issod, Andrea) (Filed on 6/14/2018) (Entered: 06/14/2018)
06/20/2018	<u>8</u>	NOTICE of Appearance by Elena Kathryn Saxonhouse (Saxonhouse, Elena) (Filed on 6/20/2018) (Entered: 06/20/2018)
06/20/2018	<u>9</u>	NOTICE of Appearance by Marta R. Darby (Darby, Marta) (Filed on 6/20/2018) (Entered: 06/20/2018)
06/25/2018	<u>10</u>	SUMMONS Returned Executed (FOIA) by Sierra Club. United States Environmental Protection Agency served on 6/18/2018, answer due 7/18/2018. (Issod, Andrea) (Filed on 6/25/2018) (Entered: 06/25/2018)
07/05/2018	<u>11</u>	CLERK'S NOTICE: The Initial Case Management Conference is rescheduled to 9/11/2018 at 3:00 PM in San Francisco, Courtroom E, 15th Floor before Magistrate Judge Elizabeth D. Laporte. (<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>) (shyS, COURT STAFF) (Filed on 7/5/2018) (Entered: 07/05/2018)
07/23/2018	<u>12</u>	STIPULATION Re Filing of First Amended Complaint filed by United States Environmental Protection Agency. (Garbers, Wendy) (Filed on 7/23/2018) (Entered: 07/23/2018)

07/23/2018	<u>13</u>	FIRST AMENDED COMPLAINT (Freedom of Information Act Case); by Sierra Club. (Issod, Andrea) (Filed on 7/23/2018) Modified on 7/24/2018 (aaaS, COURT STAFF). (Entered: 07/23/2018)
07/23/2018		Electronic filing error. Incorrect event used. [err101]Corrected by Clerk's Office. No further action is necessary. Re: <u>13</u> Amended Document filed by Sierra Club Correct Event is Amended Complaint not Amended Document. (aaaS, COURT STAFF) (Filed on 7/23/2018) (Entered: 07/24/2018)
08/17/2018	<u>14</u>	ANSWER TO <u>13</u> FIRST AMENDED COMPLAINT; by United States Environmental Protection Agency. (Garbers, Wendy) (Filed on 8/17/2018) Modified on 8/20/2018 (aaaS, COURT STAFF). (Entered: 08/17/2018)
08/21/2018	<u>15</u>	CLERK'S NOTICE TO DEFENDANT Re: Consent or Declination. Defendant shall file a consent or declination to proceed before a magistrate judge by September 4, 2018. Note that any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. The forms are available at: http://cand.uscourts.gov/civilforms . (shyS, COURT STAFF) (Filed on 8/21/2018) (Entered: 08/21/2018)
08/21/2018	<u>16</u>	ADR Certification (ADR L.R. 3–5 b) of discussion of ADR options (Darby, Marta) (Filed on 8/21/2018) (Entered: 08/21/2018)
08/28/2018	<u>17</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by United States Environmental Protection Agency.. (Garbers, Wendy) (Filed on 8/28/2018) (Entered: 08/28/2018)
08/28/2018	<u>18</u>	NOTICE of Substitution of Counsel by Adrienne Zack (Zack, Adrienne) (Filed on 8/28/2018) (Entered: 08/28/2018)
08/30/2018	<u>19</u>	<i>Joint Stipulation to Continue Case Management Conference and [Proposed] Order</i> filed by United States Environmental Protection Agency. (Zack, Adrienne) (Filed on 8/30/2018) (Entered: 08/30/2018)
08/30/2018	<u>20</u>	ORDER granting Stipulation to Continue Initial Case Management Conference signed by Magistrate Judge Elizabeth D. Laporte: granting <u>19</u> Stipulation. (shyS, COURT STAFF) (Filed on 8/30/2018) (Entered: 08/30/2018)
09/24/2018	<u>21</u>	MOTION to Appear by Telephone filed by United States Environmental Protection Agency. (Zack, Adrienne) (Filed on 9/24/2018) (Entered: 09/24/2018)
09/25/2018	<u>22</u>	ADR Certification (ADR L.R. 3–5 b) of discussion of ADR options (Zack, Adrienne) (Filed on 9/25/2018) (Entered: 09/25/2018)
09/25/2018	<u>23</u>	JOINT CASE MANAGEMENT STATEMENT filed by United States Environmental Protection Agency. (Zack, Adrienne) (Filed on 9/25/2018) (Entered: 09/25/2018)
09/27/2018	<u>24</u>	ORDER granting Motion to Appear by Telephone signed by Magistrate Judge Elizabeth D. Laporte: granting <u>21</u> Motion. (shyS, COURT STAFF) (Filed on 9/27/2018) (Entered: 09/27/2018)
10/02/2018	<u>25</u>	<p>Minute Entry for case management conference held on 10/2/2018 before Magistrate Judge Elizabeth D. Laporte. On or before 10/16/2018, the parties shall file a written update regarding the issues discussed at the hearing. A further case management conference is set for 10/23/2018 before Magistrate Judge Elizabeth D. Laporte.</p> <p>FTR Time: 10:12 – 10:19</p> <p>Plaintiff Attorneys: Martha Darby and Elena Saxonhouse</p> <p>Defendant Attorney: Adriene Zack (telephonic appearance)</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (shyS, COURT STAFF) (Date Filed: 10/2/2018) (Entered: 10/04/2018)</p>

10/16/2018	<u>26</u>	JOINT CASE MANAGEMENT STATEMENT – <i>Updated</i> filed by United States Environmental Protection Agency. (Zack, Adrienne) (Filed on 10/16/2018) (Entered: 10/16/2018)
10/18/2018	<u>27</u>	ORDER Re Updated Joint Case Management Statement by Magistrate Judge Elizabeth D. Laporte. (shyS, COURT STAFF) (Filed on 10/18/2018) (Entered: 10/18/2018)
10/23/2018	<u>28</u>	JOINT CASE MANAGEMENT STATEMENT – <i>Updated</i> filed by United States Environmental Protection Agency. (Zack, Adrienne) (Filed on 10/23/2018) (Entered: 10/23/2018)
10/23/2018	<u>29</u>	<p>Minute Entry for further case management conference held on 10/23/2018 before Magistrate Judge Elizabeth D. Laporte. Discussion held regarding whether to set a schedule for rolling production and Plaintiff to file motion regarding that issue.</p> <p>FTR Time: 10:07 – 10:14</p> <p>Plaintiff Attorneys: Marta Darby and Elena Saxonhouse</p> <p>Defendant Attorney: Adrienne Zack</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (shyS, COURT STAFF) (Date Filed: 10/23/2018) (Entered: 10/24/2018)</p>
11/01/2018	<u>30</u>	STIPULATION WITH PROPOSED ORDER filed by Sierra Club. (Attachments: # <u>1</u> Declaration)(Darby, Marta) (Filed on 11/1/2018) (Entered: 11/01/2018)
11/01/2018	<u>31</u>	STIPULATION AND ORDER Setting Briefing Schedule signed by Magistrate Judge Elizabeth D. Laporte: granting <u>30</u> Stipulation. (shyS, COURT STAFF) (Filed on 11/1/2018) (Entered: 11/01/2018)
11/09/2018	<u>32</u>	MOTION for Summary Judgment filed by Sierra Club. Motion Hearing set for 12/18/2018 09:00 AM in San Francisco, Courtroom E, 15th Floor before Magistrate Judge Elizabeth D. Laporte. Responses due by 11/28/2018. Replies due by 12/4/2018. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit Table of Exhibits, # <u>3</u> Exhibit Abell Declaration, # <u>4</u> Exhibit Chamberlain Declaration, # <u>5</u> Exhibit Darby Declaration, # <u>6</u> Exhibit Saxonhouse Declaration, # <u>7</u> Exhibit Exhibit E, # <u>8</u> Exhibit Exhibit F, # <u>9</u> Exhibit Exhibit G, # <u>10</u> Exhibit Exhibit H, # <u>11</u> Exhibit Exhibit I)(Darby, Marta) (Filed on 11/9/2018) (Entered: 11/09/2018)
11/28/2018	<u>33</u>	CLERK'S NOTICE: The parties are hereby notified that the hearing on the motion for summary judgment is rescheduled to 12/20/2018 at 9:30 AM in San Francisco, Courtroom E, 15th Floor before Magistrate Judge Elizabeth D. Laporte. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (shyS, COURT STAFF) (Filed on 11/28/2018) (Entered: 11/28/2018)
11/28/2018	<u>34</u>	OPPOSITION/RESPONSE (re <u>32</u> MOTION for Summary Judgment) filed by United States Environmental Protection Agency. (Attachments: # <u>1</u> Declaration of Brian Hope)(Zack, Adrienne) (Filed on 11/28/2018) (Entered: 11/28/2018)
12/04/2018	<u>35</u>	REPLY (re <u>32</u> MOTION for Summary Judgment) filed by Sierra Club. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Declaration)(Saxonhouse, Elena) (Filed on 12/4/2018) (Entered: 12/04/2018)
12/11/2018	<u>36</u>	NOTICE by United States Environmental Protection Agency of <i>Filing of Supplemental Declaration</i> (Zack, Adrienne) (Filed on 12/11/2018) (Entered: 12/11/2018)
12/11/2018	<u>37</u>	Declaration of Brian Hope in Support of <u>34</u> Opposition/Response to Motion – <i>Supplemental</i> filed by United States Environmental Protection Agency. (Related document(s) <u>34</u>) (Zack, Adrienne) (Filed on 12/11/2018) (Entered: 12/11/2018)
12/20/2018	<u>38</u>	Minute Entry for proceedings held on 12/20/2018 before Magistrate Judge Elizabeth D. Laporte regarding the motion for summary judgment. Hearing held. The parties shall meet and confer and submit a written update to the Court by 1/9/2019. The aforementioned update shall include agreements made between the parties and competing proposals if any disputes remain unresolved.

		<p>FTR Time: 10:04 – 10:30</p> <p>Plaintiff Attorneys: Elena Saxonhouse and Marta Darby</p> <p>Defendant Attorney: Adrienne Zack</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (shyS, COURT STAFF) (Date Filed: 12/20/2018) (Entered: 12/21/2018)</p>
12/26/2018	<u>39</u>	ORDER Granting Plaintiff's Motion for Partial Summary Judgment and Addressing the Production Schedule by Magistrate Judge Elizabeth D. Laporte: granting <u>32</u> Motion. (shyS, COURT STAFF) (Filed on 12/26/2018) (Entered: 12/26/2018)
12/27/2018	<u>40</u>	ADMINISTRATIVE MOTION to Stay Deadline to Meet and Confer and File Update filed by United States Environmental Protection Agency. Responses due by 12/31/2018. (Attachments: # <u>1</u> Declaration of Adrienne Zack, # <u>2</u> Proposed Order)(Zack, Adrienne) (Filed on 12/27/2018) (Entered: 12/27/2018)
12/28/2018	<u>41</u>	OPPOSITION/RESPONSE (re <u>40</u> ADMINISTRATIVE MOTION to Stay Deadline to Meet and Confer and File Update) filed by Sierra Club. (Attachments: # <u>1</u> Proposed Order Plaintiff's Proposed Order)(Saxonhouse, Elena) (Filed on 12/28/2018) (Entered: 12/28/2018)
01/02/2019	<u>42</u>	ORDER on Defendant's Administrative Motion to Stay Deadline to Meet and Confer and File Update signed by Magistrate Judge Elizabeth D. Laporte. (shyS, COURT STAFF) (Filed on 1/2/2019) (Entered: 01/02/2019)
01/15/2019	<u>43</u>	ADMINISTRATIVE MOTION To Lift Stay re <u>42</u> Order filed by Sierra Club. Responses due by 1/22/2019. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order)(Saxonhouse, Elena) (Filed on 1/15/2019) (Entered: 01/15/2019)
01/15/2019	<u>44</u>	ORDER Re: Plaintiff's Administrative Motion to Lift Stay by Magistrate Judge Elizabeth D. Laporte. (shyS, COURT STAFF) (Filed on 1/15/2019) (Entered: 01/15/2019)
01/16/2019	<u>45</u>	OPPOSITION/RESPONSE (re <u>43</u> ADMINISTRATIVE MOTION To Lift Stay re <u>42</u> Order) filed by United States Environmental Protection Agency. (Zack, Adrienne) (Filed on 1/16/2019) (Entered: 01/16/2019)
01/16/2019	<u>46</u>	Proposed Order re <u>45</u> Opposition/Response to Motion by United States Environmental Protection Agency. (Zack, Adrienne) (Filed on 1/16/2019) (Entered: 01/16/2019)
01/16/2019	<u>47</u>	ORDER Granting Plaintiff's Administrative Motion to Lift Stay signed by Magistrate Judge Elizabeth D. Laporte: granting as modified <u>43</u> Administrative Motion. (shyS, COURT STAFF) (Filed on 1/16/2019) (Entered: 01/16/2019)
01/22/2019	<u>48</u>	STATUS REPORT JOINT STATUS UPDATE ON DOCUMENT PRODUCTION SCHEDULE by Sierra Club. (Attachments: # <u>1</u> ERRONEOUSLY E-FILED: PLEASE SEE DOCKET NUMBER <u>49</u> FOR THE CORRECTION Proposed Order)(Darby, Marta) (Filed on 1/22/2019) Modified on 1/23/2019 (aaaS, COURT STAFF). (Entered: 01/22/2019)
01/23/2019	<u>49</u>	Proposed Order re <u>48</u> Status Report CORRECTION of Dkt. No. 48–1 by Sierra Club. (Darby, Marta) (Filed on 1/23/2019) (Entered: 01/23/2019)
01/23/2019	<u>50</u>	ORDER Setting Document Production Schedule for Tier One and Tier Two Documents signed by Magistrate Judge Elizabeth D. Laporte. (shyS, COURT STAFF) (Filed on 1/23/2019) (Entered: 01/23/2019)
02/21/2019	<u>51</u>	NOTICE of Change In Counsel by Marta R. Darby (Darby, Marta) (Filed on 2/21/2019) (Entered: 02/21/2019)
03/19/2019	<u>52</u>	STIPULATION WITH PROPOSED ORDER <i>Regarding Document Production Schedule and Joint Status Update</i> filed by United States Environmental Protection Agency. (Zack, Adrienne) (Filed on 3/19/2019) (Entered: 03/19/2019)

03/20/2019	<u>53</u>	ORDER granting Stipulation on Document Production Schedule signed by Magistrate Judge Elizabeth D. Laporte: granting <u>52</u> Stipulation. (shyS, COURT STAFF) (Filed on 3/20/2019) (Entered: 03/20/2019)
05/08/2019	<u>54</u>	JOINT STIPULATION AND [PROPOSED] ORDER to <i>Modify Production Schedule</i> filed by United States Environmental Protection Agency. (Attachments: # <u>1</u> Declaration)(Zack, Adrienne) (Filed on 5/8/2019) (Entered: 05/08/2019)
05/08/2019	<u>55</u>	Order by Magistrate Judge Elizabeth D. Laporte granting <u>54</u> Joint Stipulation to Modify Production Schedule. (mllS, COURT STAFF) (Filed on 5/8/2019) (Entered: 05/09/2019)
07/01/2019	<u>56</u>	JOINT STATUS UPDATE AND STIPULATION ON DOCUMENT PRODUCTION SCHEDULE WITH [PROPOSED] ORDER; by United States Environmental Protection Agency. (Zack, Adrienne) (Filed on 7/1/2019) Modified on 7/2/2019 (aaaS, COURT STAFF). (Entered: 07/01/2019)
07/01/2019		<u>Electronic filing error.</u> Incorrect event used. [err101]Corrected by Clerk's Office. No further action is necessary. Re: <u>56</u> STIPULATION WITH PROPOSED ORDER filed by United States Environmental Protection Agency The Correct Event is Stipulation & Proposed Order not Status Report (aaaS, COURT STAFF) (Filed on 7/1/2019) (Entered: 07/02/2019)
07/02/2019	<u>57</u>	ORDER directed parties to file a further status report by 9/6/2019 signed by Magistrate Judge Elizabeth D. Laporte: granting <u>56</u> Stipulation. (shyS, COURT STAFF) (Filed on 7/2/2019) (Entered: 07/02/2019)
09/06/2019	<u>58</u>	STIPULATION WITH PROPOSED ORDER and <i>Status Update</i> filed by United States Environmental Protection Agency. (Zack, Adrienne) (Filed on 9/6/2019) (Entered: 09/06/2019)
09/09/2019	<u>59</u>	Order by Magistrate Judge Elizabeth D. Laporte granting <u>58</u> Stipulation and Status Update. Further Status Report due by 11/1/2019.(tmiS, COURT STAFF) (Filed on 9/9/2019) (Entered: 09/09/2019)